



## Appeal Decision

Site Visit made on 27 April 2021

**by Stewart Glassar BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 June 2021**

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### **Appeal Ref: APP/Z2260/D/20/3257841**

#### **91 Botany Road, Broadstairs, CT10 3SB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Gibson against the decision of Thanet District Council.
  - The application Ref FH/TH/20/0379, dated 16 January 2020, was refused by notice dated 20 July 2020.
  - The development proposed is described as 'retrospective application for planning consent for the erection of a single storey rear extension following demolition of existing conservatory together with erection of dormer windows to both side elevations and rooflights with alterations to roof to facilitate loft conversion.'
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The Council has confirmed that although the Planning Officer report refers to the policies of the Draft Thanet Local Plan (March 2020) and the saved policies of the Thanet Local Plan 2006, the decision was made after the adoption of the Thanet Local Plan 2020. The Council's decision notice refers only to the Thanet Local Plan 2020. The appellants therefore had an opportunity to comment on the policy context when they submitted their appeal. I have determined the appeal with regard to the adopted development plan at the time I make this decision.

### **Main Issue**

3. The main issue is the effect of the development on the character and appearance of the area.

### **Reasons**

4. This part of Botany Road is generally characterised by bungalows. Although there are differing styles and some have had extensions and alterations, the overriding appearance is one of modest buildings with clay roof tiles and brick/render finishes. Together with the set back position of the properties within their plots and the spacing between the properties there is a strong sense of uniformity that contributes positively to the character and appearance of the area.
5. The Council considers the rear extension to be acceptable and I see no reason to disagree. That said, the north eastern dormer is a large addition to the roof of the dwelling and, unlike the south western dormers which are partially hidden from view, can clearly be seen from the road. It is not subservient in comparison to the size and simple pitch of the main roof. By virtue of its

position and size, the dormer is a visually dominant addition to the roof. The cladding, due to its colour and finish, does not complement the appearance of the dwelling and thus exacerbates the overall visual bulk and visual effect of this dormer, giving the building an incongruous appearance in the street scene.

6. Whilst smaller scale than the north eastern dormer, the western ones are clad the same which adds additional discordant elements to the roof of the dwelling, further undermining the building's appearance and its adverse impact upon the wider street scene.
7. The harm the development causes to the character and appearance of the area would lead to conflict with Policy QD02 of the Local Plan<sup>1</sup> which, amongst other things, seeks to ensure that development relates well to its surroundings and that its scale and materials are appropriate to the area. The harm I have found would also lead to conflict with the Framework<sup>2</sup>, in particular paragraphs 127 and 130 which, amongst other things, seek to ensure that new development is sympathetic to local character.

### **Other Matters**

8. There are a number of other dwellings within the street scene to which the appellants refer and which have had alterations to their roofs and/or introduced new external materials. However, these appear to assimilate acceptably in terms of their appearance and do not, based on what I have seen, harm the character and appearance of the street scene in the same way the appeal proposal does. They do not therefore lead me to allowing the appeal.
9. The use of tile hanging or an alternative colour for the cladding has been suggested. Whilst this may go some way to addressing the harm I have found; it would not address the scale and size of the north eastern dormer specifically. My conclusions on the main issue do not therefore change.
10. Despite the appellant's suggestion, I do not consider permitted development to be a legitimate fall-back option, since part of the proposal is subject of an extant enforcement notice. Regardless, I have identified both the size and appearance of the dormer to be harmful and therefore can attach only very limited weight to this stated fall-back position.
11. The appellants point to the existence of the prior approval regime for extra storeys; the previous enforcement notice not addressing the cladding on the other dormers; and the absence of objections from neighbours. However, these matters in themselves do not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.
12. I understand the appellant's desire for the extension and the chain of circumstances which has resulted in the enlarged north eastern dormer and use of cladding. I am also mindful that the Framework supports the principle of adapting existing houses to meet future needs. That said, the weight I could attach to the circumstances in this regard would be insufficient against the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.

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<sup>1</sup> Thanet Local Plan (July 2020)

<sup>2</sup> National Planning Policy Framework 2019

**Conclusion**

13. For the reasons given above, I conclude that the appeal should be dismissed.

*Stewart Glassar*

INSPECTOR